

STATE OF MICHIGAN		SUMMONS AND COMPLAINT	CASE NO. 12-017215-DZ-1
10TH	JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE		

Court Address 111 S. MICHIGAN AVENUE, SAGINAW, MICHIGAN 48602
Court telephone no. 989-790-5540

Plaintiff name(s), address(es) and telephone no(s). MELISSA JAYNE CALICE 62 CORRAL SAGINAW, MICHIGAN 48638	V	Defendant name(s), address(es), and telephone no(s). RICHARD ANTHONY CALICE, JR. 43 WINTERBERRY COURT HUNT VALLEY, MARYLAND 21030
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Plaintiff attorney, bar no., address, and telephone no. TIMOTHY R. McLEOD (P29880) 820 N. MICHIGAN AVENUE P.O. BOX 6055 SAGINAW, MICHIGAN 48608	A TRUE COPY Susan Kaltenbach, Clerk
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SUMMONS NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan, you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued 8/13/12	This summons expires 11/13/12	Court clerk Susan Kaltenbach
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*This summons is invalid unless served on or before its expiration date.

COMPLAINT Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

Family Division Cases

☒ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.

☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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General Civil Cases

☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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VENUE

Plaintiff(s) residence (include city, township, or village) SAGINAW COUNTY, MICHIGAN	Defendant(s) residence (include city, township, or village) BALTIMORE COUNTY, MARYLAND
Place where action arose or business conducted SAGINAW COUNTY, MICHIGAN	

AUGUST 13, 2012
Date
Signature of attorney/plaintiff TIMOTHY R. McLEOD

PROOF OF SERVICE**SUMMONS AND COMPLAINT**

Case No. 12- -DZ-

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NON-SERVICE☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

- ☐ I served personally a copy of the summons and complaint,
☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,
together with _____

List all documents served with the Summons and Complaint

_____ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

- ☐ I have personally attempted to serve the summons and complaint, together with any attachments on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

Service fee	Miles Traveled	Mileage fee	Total fee
\$		\$	\$

Signature _____

Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Signature: _____
Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with: _____
Attachments

_____ on

Day, date, time

on behalf of _____

Signature

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF SAGINAW
FAMILY DIVISION

MELISSA JAYNE CALICE,

Plaintiff,

vs.

RICHARD ANTHONY CALICE, JR.,

Defendant.

12-017215-DZ-1
File No. 12-

-DZ-

HON.

FRED L BORCHARD P11003

BURKHART, PICARD,
TIDERINGTON, & McLEOD, PLLC
BY: TIMOTHY R. McLEOD (P29880)
Attorney for Plaintiff
820 N. Michigan Avenue, P.O. Box 6055
Saginaw, Michigan 48608
(989) 753-4441

FILED
SAGINAW COUNTY MI.
2012 AUG 13 PM 1:43
SUSAN KALTENBACH
COUNTY CLERK
BY DEPUTY CLERK

COMPLAINT FOR SEPARATE MAINTENANCE

NOW COMES the Plaintiff, MELISSA JAYNE CALICE, who files this Complaint for Separate Maintenance:

The Wife avers:

A TRUE COPY
Susan Kaltenbach, Clerk

MARRIAGE

1. On the 6th day of August, 2005, Plaintiff, MELISSA JAYNE CALICE, married the Defendant, RICHARD ANTHONY CALICE, JR., in the City of Charlevoix, State of Michigan, in a marriage ceremony performed by a person who was authorized to perform marriages.

NAME BEFORE MARRIAGE

2. The Wife's complete name is MELISSA JAYNE CALICE; the wife's complete name before marriage was MELISSA JAYNE WALLACE; the husband's complete name was and is RICHARD ANTHONY CALICE, JR.

RESIDENCE

3. The Plaintiff has resided in the State of Michigan for 180 days immediately preceding the filing of the Complaint; the Plaintiff has resided in Saginaw County for ten (10) days immediately preceding the filing of this Complaint.

ADDRESSES; PHONE NUMBERS AND BIRTH DATES

4. Plaintiff's address is 62 Corral, Saginaw, Michigan 48638; Plaintiff's phone number is 248-259-7606; Defendant's address is 43 Winterberry Court, Hunt Valley, Maryland 21030; Defendant's phone number is 248-506-2138, the Plaintiff's date of birth is 12/01/1974 and the Defendant's date of birth is 12-12-1978. Social Security Numbers are on file with the Friend of the Court's office.

SEPARATION

5. On or about the 2nd day of August, 2012, the parties separated when they ceased cohabitation.

CHILDREN OF THE MARRIAGE

6. There were two children born of this marriage, both of whom are minors. The name(s), age(s) and birthdate(s) of the minor children are:

ROCCO JEFFERSON CALICE, 5 years of age, d/o/b 10/27/2006
AMELIA JAYNE CALICE, 4 years of age, d/o/b 04/25/2008

PREGNANCY

7. The wife is not pregnant.

BREAKDOWN OF THE MARRIAGE

8. There has been a breakdown in the marriage relationship to the extent the objects of matrimony have been destroyed and there remains no reasonable likelihood the marriage can be preserved.

PROPERTY

9. There is property to be divided:

- A. Real Property;
- B. Personal Property;
- C. Bank Accounts;
- D. Motor Vehicles.

CUSTODY

10. The Plaintiff is a fit and suitable person to have the care, custody and control of the minor children.

TEMPORARY RESTRAINING ORDER

11. That upon the commencement of these proceedings, the Plaintiff fears the Defendant will interfere with her peaceful residency at the marital home;

will change the beneficiaries on any life insurance policies or will terminate coverage on the Wife on any medical, automobile or homeowner's policies; will sell, assign, encumber, move, conceal, withdraw, transfer, destroy, dissipate, damage, rent or otherwise dispose of the property, either real or personal, belonging to either or both of the parties hereto and immediate and irreparable injury will result to Plaintiff unless Defendant is restrained from so doing during the pendency of this suit and thereafter by the order or injunction of this Court.

12. That based upon the above facts as set forth in paragraph 11, and the fact the Wife has decided to institute separate maintenance proceedings, she is apprehensive immediate and irreparable injury, loss or damage will result from the delay required to effect notice or from the risk notice itself will precipitate adverse action before an Order can be issued in that the Husband will interfere with the Wife's peaceful residency at the marital residence; will terminate coverage on the Wife on any medical, automobile or homeowner's policies; will transfer, sell, encumber, conceal and somehow dispose of his assets and property beyond the reach of this Court.

INFORMATIONAL PAMPHLET

13. An informational pamphlet will be provided by the Friend of the Court.

VERIFIED STATEMENT

14. Based upon the fact there are children of the marriage under the age of 18 or temporary or permanent support or alimony is sought, a Verified Statement is attached.

WHEREFORE, the Plaintiff prays:

A. That this Honorable Court grant Plaintiff a Judgment of Separate Maintenance according to the statute in such case made and provided.

B. The wife be awarded the temporary and permanent care, custody and control and maintenance of the minor children until said children attains the age of eighteen (18) years or until further order of this Court.

C. The Husband be ordered to pay child support, both temporary and permanent commensurate with the needs of the said children and Defendant's ability to pay.

D. The Husband be ordered to pay the Wife alimony, both temporary and permanent.

E. The Husband pay medical, dental, hospital, optical and pharmaceutical expenses for the Wife, Melissa Jayne Calice and minor children during the pendency of this suit and permanently upon the entry of a Judgment of Separate Maintenance.

F. The Husband pay the mortgage payments, taxes, insurance and utilities on the marital home, including telephone, gas, water and electricity.

G. The Husband make all payments due on any debts or liabilities to preserve the marital estate.

H. The Husband pay the wife's attorney fees.

BURKHART, PICARD, TIDERTON, & McLEOD, P.L.L.C., 820 NORTH MICHIGAN AVENUE, P.O. BOX 6055, SAGINAW, MICHIGAN 48608

I. A Temporary Restraining Order be issued restraining the Husband from transferring or disposing of assets or interfering with the wife's peaceful residency.

J. The Court award to this Plaintiff such part or portion of the property described in paragraph 9 as shall be agreeable to equity and good conscience.

K. This Court enter an Ex Parte Order referring the issues of custody, child support, spousal support and payment of bills to the Circuit Court Facilitator.

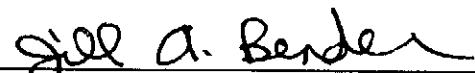
L. This Plaintiff may have such other and further relief in the premises as shall be agreeable to equity and good conscience.

I declare the statements above are true to the best of my information, knowledge and belief.


MELISSA JAYNE CALICE
Plaintiff

STATE OF MICHIGAN)
COUNTY OF SAGINAW) ss.

On this 13th day of August, 2012, before me personally appeared MELISSA JAYNE CALICE, the above named Plaintiff, and made oath that she has read the foregoing Complaint for Separate Maintenance by her subscribed and she knows the contents thereof, that the same is true of her own knowledge except as to those matters which are therein stated to be upon her information and belief and as to those matters she believes it to be true.


JILL A. BENDER, Notary Public
Saginaw County, Michigan
My Commission Expires: 09-02-2017

Prepared by:


TIMOTHY R. McLEOD (P29880)
Attorney for Plaintiff

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF SAGINAW
FAMILY DIVISION

MELISSA JAYNE CALICE,

Plaintiff,

vs.

RICHARD ANTHONY CALICE, JR.,

Defendant.

12-017215-DZ-1
File No. 12- -DZ-

HON.

FRED L. BORCHARD P11003

A TRUE COPY
Susan Kaltenbach, Clerk

BURKHART, PICARD,
TIDERTINGTON, & McLEOD, PLLC
BY: TIMOTHY R. McLEOD (P29880)
Attorney for Plaintiff
820 N. Michigan Avenue
P.O. Box 6055
Saginaw, Michigan 48608
(989) 753-4441

TEMPORARY RESTRAINING ORDER

AT A SESSION OF SAID COURT HELD IN THE
COURTHOUSE IN THE CITY OF SAGINAW, COUNTY OF
SAGINAW, AND STATE OF MICHIGAN, ON THE 21
DAY OF August, 2012, A.D.

PRESENT: HON.

, CIRCUIT JUDGE

**A COMPLAINT FOR SEPARATE MAINTENANCE HAS BEEN FILED. TO
MAINTAIN THE CURRENT STATUS OF THE PARTIES, IT IS ORDERED THAT:**

1. No party, party's officer, agent, servant, employee, or attorney; or person in active concert or participation with any of them who receives actual notice of this order may sell, assign, transfer, encumber, conceal, change the beneficiary of, or otherwise dispose of any property of the parties whether it is titled in the name of either party or both parties.
2. This order does not prevent the parties from providing for the necessities of life or from engaging in transactions necessary in the ordinary course of business.

However, the parties shall notify each other before taking any extraordinary actions.

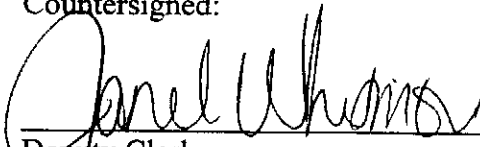
3. No party shall interfere with the peaceful residence of the other party.
4. No party shall change the beneficiary of various insurance benefits or ownership of deposit accounts or investments.
5. No bond is required since no property rights are being determined, the parties are husband and wife, and this order is to preserve the status quo.
6. Violators of this order will be subject to the contempt powers of the court.

Issued this 21 day of August, 2012, at 9:33 o'clock in the fore noon.



Circuit Judge

Countersigned:


Deputy Clerk

Prepared By:

BURKHART, PICARD,
TIDERTINGTON, & MCLEOD, P.L.L.C.
BY: TIMOTHY R. MCLEOD (P29880)
Attorney for Plaintiff/Defendant
820 North Michigan Avenue
P.O. Box 6055
Saginaw, Michigan 48608
(989) 753-4441

(SEAL)

**RECORD OF
DIVORCE OR ANNULMENT**
MICHIGAN DEPARTMENT OF COMMUNITY HEALTH
By authority of MCL 333.2813.

12-017215-DZ-1
Court Case Number

SAGINAW

County Circuit Court

State File Number

1. Husband's Name RICHARD ANTHONY CALICE, JR. 2. Husband's Birthdate 12/12/1978
First, Middle, Last Month, Day, Year

3. Husband's Residence HUNT VALLEY BALTIMORE MARYLAND
City, Village or Township County State

4. Husband's Birthplace MICHIGAN 5. Number of this Marriage FIRST
State or Foreign Country First, Second, etc. (Specify)

6. Wife's Name MELISSA JAYNE CALICE 7. Wife's Birthdate 12/01/1974
First, Middle, Last Month, Day, Year

8. Wife's Last Name Before First Married WALLACE

9. Wife's Residence SAGINAW SAGINAW MICHIGAN
City, Village or Township County State

10. Wife's Birthplace MICHIGAN 11. Number of this Marriage FIRST
State or Foreign Country First, Second, etc. (Specify)

12. Place of this Marriage CHARLEVOIX CHARLEVOIX MICHIGAN
City, Village or Township County State or Foreign Country

13. Date of this Marriage 08/06/2012 14. Date Couple Last Resided 08/02/2012
Month, Day, Year in Same Household Check If Not Separated Month, Day, Year

15. Number of Minor Children in Household at Separation Date (Filing Date if Not Separated) 2
Check If None Number

16. Plaintiff ☐ Husband ☒ Wife ☐ Other 17. Plaintiff's Attorney TIMOTHY R. McLEOD P29880
Name (Type or Print) Bar Number

820 N. MICHIGAN AVENUE
18. Attorney's Address P.O. BOX 6055 SAGINAW MICHIGAN 48608
Number and Street City State ZIP Code

19. Judgement of Divorce/Annulment (Specify) 20. Number of Minor Children whose Physical Custody was Awarded to: Husband Wife Joint Other
Number Number Number Number
☐ No Children

21. Judgement Recorded on 22. I certify that this Divorce was granted on
Month, Day, Year Month, Day, Year

23. Certifying Official
Signature Title Date Signed

Failure to provide the required information is a misdemeanor punishable by imprisonment
of not more than 1 year or a fine of not more than \$1,000.00 or both.

Approved, SCAO

Original - Court
1st copy - FOC (if applicable)
2nd copy - Defendant/Respondent
3rd copy - Plaintiff/Petitioner

STATE OF MICHIGAN
10TH JUDICIAL CIRCUIT
PROBATE COURT
SAGINAW COUNTY

UNIFORM CHILD CUSTODY JURISDICTION
ENFORCEMENT ACT AFFIDAVIT

CASE NO.

12- -DZ-

12-017215-D2-1

Court address

Court telephone no.

111 S. MICHIGAN AVENUE, SAGINAW, MICHIGAN 48602

(989) 790-5540

CASE NAME: MELISSA JAYNE CALICE VS. RICHARD ANTHONY CALICE, JR.

A TRUE COPY
Susan Kaltenbach, Clerk

1. The name and present address of each child (under 18) in this case is:

ROCCO JEFFERSON CALICE, 62 CORRAL, SAGINAW, MICHIGAN 48638
AMELIA JAYNE CALICE, 62 CORRAL, SAGINAW, MICHIGAN 48638

2. The addresses where the child(ren) has/have lived within the last 5 years are:

620 CATALPA, ROYAL OAK, MICHIGAN 48067
43 WINTERBERRY COURT, HUNT VALLEY, MARYLAND 21030
62 CORRAL, SAGINAW, MICHIGAN 48638

3. The name(s) and present address(es) of custodians with whom the child(ren) has/have lived within the last 5 years are:

MELISSA JAYNE CALICE, 62 CORRAL, SAGINAW, MICHIGAN 48638
RICHARD ANTHONY CALICE, JR., 43 WINTERBERRY COURT, HUNT VALLEY, MARYLAND, 21030

4. I do not know of, and have not participated (as a party, witness, or in any other capacity) in any other court decision, order, or proceeding (including divorce, separate maintenance, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence) concerning the custody or parenting time of the child(ren), in this state or any other state, **except**: Specify case name and number, court name and address, and date of child custody determination, if one.

5. I do not know of any pending proceeding that could affect the current child custody proceeding, including a proceeding for enforcement or a proceeding relating to domestic violence, a protective order, termination of parental rights, or adoption, in this state or any other state, **except**: Specify case name and number, court name and address, and nature of the proceeding.

That proceeding ☐ is continuing. ☐ has been stayed by the court.

☐ Temporary action by this court is necessary to protect the child(ren) because the child(ren) has/have been subjected to or threatened with mistreatment or abuse or is/are otherwise neglected or dependent. Attach explanation.

6. I do not know of any person who is not already a party to this proceeding who has physical custody of, or who claims rights of legal or physical custody of, or parenting time with, the child(ren), **except**: State name(s) and address(es) of each person.

7. The child(ren)'s "home state" is MICHIGAN. See back for definition of "home state."

☐ 8. I state that a party's or child's health, safety, or liberty would be put at risk by the disclosure of this identifying information.

I have filled this form out completely, and I acknowledge a continuing duty to advise this court of any proceeding in this state or any other state that could affect the current child-custody proceeding.

Signature of affiant

MELISSA JAYNE CALICE
Name of affiant (type or print)

62 CORRAL, SAGINAW, MICHIGAN 48638
Address of affiant

Subscribed and sworn to before me on 08/13/12, SAGINAW County, Michigan.

My commission expires: 09/02/2017
Date

Signature:

Jill A. Bender
JILL A. BENDER

Notary public, State of Michigan, County of SAGINAW

"Home state" means the state in which the child(ren) lived with a parent or a person acting as a parent for at least 6 consecutive months immediately before the commencement of a child-custody proceeding. In the case of a child less than 6 months of age, the term means the state in which the child lived from birth with a parent or person acting as a parent. A period of temporary absence of a parent or person acting as a parent is included as part of the period.